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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/537,709	02/06/2006	Hans-Peter Sendelbach	076326-0305	6859
22428	7590	10/10/2007		
FOLEY AND LARDNER LLP			EXAMINER	
SUITE 500			AMORES, KAREN J	
3000 K STREET NW				
WASHINGTON, DC 20007			ART UNIT	PAPER NUMBER
			3616	
			MAIL DATE	DELIVERY MODE
			10/10/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/537,709

Applicant(s)

SENDELBACH ET AL.

Examiner

Karen J. Amores

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-55 is/are pending in the application.
- 4a) Of the above claim(s) 1-27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 28-55 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Priority*

1. Applicant is advised of possible benefits under 35 U.S.C. 119(a)-(d), wherein an application for patent filed in the United States may be entitled to the benefit of the filing date of a prior application filed in a foreign country.
2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 28, 29, 32, 33, 35 – 42, and 44 – 55 are rejected under 35 U.S.C. 102(b) as being anticipated by Garret et al. G.B. 2 318 767 (“Garret”). Garret discloses a passenger protecting system, comprising:
  5. a gas generator (2); and
  6. a gas bag (1) including an envelope portion (8) and a narrow filling channel (6 and 7) which extends along a predefined deployment direction, wherein the system is configured so that inflation gas from the gas generator directly enters the filling channel;
  7. wherein at least part of the envelope portion is turned back into the filling channel (fig. 2 or 4).

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8. In reference to claims 29, 32, 33, 35 – 42 and 44 – 50, Garret further discloses the filling channel is connected to the gas generator (fig. 1); or wherein the part of the envelope portion that is turned back (12 and 13) is stuffed into the filling channel (7) unfolded (fig. 4); or wherein the part of the envelope portion that is turned back is at least partly zigzag-folded, pleated and/or rolled together (fig. 5); wherein the envelope pack is folded together at least once to form an envelope pack with a U-shaped cross section, wherein the U-shaped envelope pack is pushed into the filling channel (fig. 2); wherein the gas bag has two or more gas bag chambers (6, inner 7, outer 7, 8, 12, and 13); wherein the gas bag has at least one inner gas bag chamber (inner 7) that is surrounded by an outer gas bag chamber (outer 7); wherein the filling channel is formed laterally, at least partly, by a seam (11) in the envelope of the gasbag (fig. 3); wherein the filling channel (inner and outer 7) is formed, at least partly, by side walls of associated gas bag chambers (other inner or outer 7); wherein the filling channel is formed, at least partly, by retaining straps (page 4, paragraph 3); wherein the filling channel is at least partly tubular (fig. 1); and wherein a cross section of the filling channel widens like a funnel at an open end of the filling channel (fig. 3); wherein the gas bag is a pelvis-thorax gas bag that includes a pelvis region (6) and a thorax region (7); wherein the gas bag is accommodated in a backrest of a motor vehicle seat (3) so that the predefined deployment direction extends parallel to the backrest of the motor vehicle seat, in a direction of the vehicle seat area; wherein the gas bag is a head-thorax gas bag that includes a head region (8) and a thorax region (7); wherein the head region of the gas bag is turned back into the filling channel; wherein the gas bag is accommodated in a backrest of a motor vehicle seat so that the predefined deployment direction extends parallel to the backrest of the motor vehicle seat, in a direction of the vehicle roof; wherein the gas bag is a

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head-thorax-pelvis gas bag that includes a head region (8), a thorax region (7), and a pelvis region (6); wherein the head region of the gas bag is in each case turned back into a filling channel; wherein the gas bag is fitted in a backrest of a motor vehicle seat so that the predefined deployment direction of the filling channel for the head region extends parallel to the backrest of the motor vehicle seat, in a direction of the vehicle roof, and/or the predefined deployment direction of the filling channel for the pelvis region extends parallel to the backrest of the motor vehicle seat, in a direction of the vehicle seat area (fig. 3).

9. In reference to claim 51, Garret discloses a method for folding a gas bag, comprising: turning back at least a part of a gas bag envelope (12 and 13) of the gas bag into an envelope section (8) of the gas bag envelope; and

10. inserting a part (13) of the gas bag envelope into a narrow filling channel (6 and 7); wherein the filling channel is partly formed by the gas bag envelope; wherein the filling channel extends along a predefined deployment direction (fig. 4).

11. In reference to claims 52 – 54, Garret further discloses the part of the gas bag envelope that is turned back is stuffed into the filling channel unfolded (fig. 4); wherein the part of the gas bag envelope that is turned back is at least partly zigzag-folded, pleated and/or rolled together (fig. 6); and wherein the part that is turned back is firstly pleated (fig. 7) and/or rolled together at an end (fig 8) of the envelope facing away from the filling channel to form pleated and/or rolled together envelope pack, wherein the envelope pack is folded together at least once to form an envelope pack with a U-shaped cross section, wherein the U-shaped envelope pack is pushed into the filling channel (fig. 2).

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12. In reference to claim 55, Garret discloses a system for protecting passengers of a vehicle, comprising:

13. a gas generator (2); and

14. an air bag (1), including a folded section (8) and a filling channel (6 and 7);

15. wherein the filling channel is adjacent to the gas generator;

16. wherein the folded section is inserted in the filling channel (fig. 4) so that when inflation gas from the gas generator enter the filling channel, gas pressure builds up, expelling the folded section in a predetermined direction.

17. Claims 28, 30, 31, 33, 34, 42, and 43 are rejected under 35 U.S.C. 102(b) as being anticipated by Pausch et al. WO 98/56622 ("Pausch"). Pausch discloses a passenger protecting system, comprising:

18. a gas generator (7); and

19. a gas bag (8) including an envelope portion (9 and 10) and a narrow filling channel (area between 9 and 10) which extends along a predefined deployment direction, wherein the system is configured so that inflation gas from the gas generator directly enters the filling channel; wherein at least part of the envelope portion is turned back into the filling channel.

20. In reference to claims 30, 31, 33, 34, 42, and 43, Garret further discloses one end (11) of the filling channel is adapted to be connected to the gas generator and the part of the envelope portion that is turned back is located immediately in front of a connection point of the gas generator (fig. 7e); wherein the filling channel forms a side pocket which is located laterally beside the connection point of the gas generator; wherein the part of the envelope portion that is

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turned back is at least partly rolled together (fig. 7c); wherein the part of the envelope portion that is turned back is zigzag-folded, pleated and/or rolled together at an end of the envelope facing away from the filling channel to form a zigzag-folded, pleated and/or rolled together envelope; and wherein the gas bag is a pelvis-thorax gas bag that includes a pelvis region (10) and a thorax region (9); and wherein the pelvis region of the gas bag is turned back into the filling channel (fig. 7e).

### *Conclusion*

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Reference DE 197 14 267 discloses a passenger protection system related to the invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen J. Amores whose telephone number is (571)-272-6212. The examiner can normally be reached on Monday through Friday, 8:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571)-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR

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system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Karen J. Amores  
Examiner  
Art Unit 3616

/KJA/  
04 October 2007

A handwritten signature in black ink, appearing to read "Eric Culbreth". The signature is fluid and cursive, with the first name "Eric" and last name "Culbreth" clearly distinguishable.

**ERIC CULBRETH**  
**PRIMARY EXAMINER**